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HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NOs:22059 & 16479 of 2005

DATED:28-04-2006

W.P.No.22059 of 2005:

Between:

Pasagadugula Rajababu.

..... PETITIONER

AND

1. The Project Director, Integrated Tribal Development Agency, Paderu, Visakhapatnam District and another.

.....RESPONDENTS

and

W.P.No.16479 of 2005:

Between:

1. P. Mutyala Naidu and 9 others.

..... PETITIONERS

AND

1. The Project Director, Integrated Tribal Development Agency, Paderu, Visakhapatnam District and another.

.....RESPONDENTS

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COMMON ORDER:

Heard Sri T.Niranjan Reddy, learned counsel for the petitioners and the Government Pleader for Social Welfare, for the respondents. Sri T.Niranjan Reddy, learned counsel for the petitioners, would point out, while the petitioners were eligible under the Govt. Memo, they were denied consideration under the impugned proceedings of the commissioner.

Learned Government Pleader, on the other hand, would submit that even if the petitioner's contention that they were to be considered under the said notification and to be consequently appointed as Secondary Grade Teachers, along with others who were selected under the said notification, is accepted, even then since the period of appointment expired by 23-04-2006, and as none of the candidates selected under the impugned notification were continued in service thereafter, petitioners are also not entitled to continue in service. Learned Government Pleader would submit that the petitioners, who were not even selected, cannot stand on a better footing than employees who were selected pursuant to the impugned notification.

I find substantial force in this contention. The petitioners are continuing in service by virtue of the interim orders and, in as much as they would not have been entitled to continue in service, pursuant to the said notification dated 14-

07-2005 even if they had been regularly selected thereunder, they are no longer entitled to continue in service. The interim order stands vacated and the writ petition stands dismissed. Needless to state that in case the respondents issue a fresh notification inviting applications for appointment to the posts of secondary grade teachers, and if the petitioners are aggrieved thereby, this order shall not preclude them for invoking the jurisdiction of this Court under Article 226 of the Constitution of India. No costs.

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28th April, 2006

SKM